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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JOEL ABRAHAM LEYVA,

Defendant and Appellant.

D038941, D039191

(Super. Ct. No. SCN135381 &
SCN135106)

APPEALS from judgments of the Superior Court of San Diego County,
K. Michael Kirkman , Judge. Affirmed.

Joel Abraham Leyva entered negotiated guilty pleas to residential burglary (Pen. Code, §§ 459/460)¹ in superior court case No. SCN135381 and to grand theft (§ 487, subd. (a)) in superior court case No. SCN135106. The court imposed the two-year lower

¹ All statutory references are to the Penal Code.

term for residential burglary with a concurrent 16-month term for grand theft.² It awarded Leyva 55 days' credit in case No. SCN135381 (37 actual days and 18 days' § 4019 credit) and 66 days' credit in case No. SCN135106 (44 actual days and 22 days' § 4019 credit). We consolidated the appeals for disposition.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible but not arguable issues: (1) whether the trial court committed reversible error in denying probation because of the benefit Leyva obtained in the plea bargain; (2) whether the trial court relied on proper factors in denying probation; and (3) whether the trial court accurately calculated custody credit.

We granted Leyva permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Leyva on this appeal.

² Because Leyva entered guilty pleas, he cannot challenge the facts underlying the convictions. (§ 1237.5; *People v. Martin* (1973) 9 Cal.3d 687, 693.) We need not recite the facts.

DISPOSITION

Judgments affirmed.

O'ROURKE, J.

WE CONCUR:

HUFFMAN, Acting P. J.

McDONALD, J.